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Draft GMO Cultivation Law moves to the Parliament

Report Categories:

Biotechnology

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Report Highlights:

In October 2009, after nearly a year of back and forth, the Polish government formally sent a draft GMO cultivation law to the Parliament. The draft law was prepared by the Ministry of the Environment; which released a note addressing Greenpeace's call for a ban on GMO's in Poland. The note is attached in translation to this report. The new law aims to adapt the Polish cultivation law to EU regulations, but envisages the creation of GMO-free zones by vote of individual Polish farmers. The law provides for the Ministry to conduct an environmental impact statement that will help them retain control and possibly prohibit planting. Most importantly, and in a discrimination against farm groups, the Ministry only allows environmental NGOs and organic farmers to be part of the expert panels that will review GM technology – a clear bias. Many farm groups are talking about GM benefits, in Poland, in particular about energy and climate change uses. The new GMO law replaces the existing GMO Act from 2001, and changes seed sales procedures that made selling GM seeds illegal in 2006, and is expected to be worked on by the Polish Parliament and implemented by the end of 2009.

General Information:

The Polish interministerial Council on October 13, 2009 approved a draft GMO cultivation law prepared by the Ministry of Environment, and formally sent the draft to the Parliament for approval. The process of creating a new cultivation law lasted more than a year, as a radical, unscientifically supported, initial proposal from the Ministry of Environment was slowly toned down during the year. While some EU member states can claim a ban on GMOs, none has been able to present scientific evidence to support their view. The new proposal aims to adapt Polish law to EU regulations, but also envisages the possibility of creation of GMO-free zones by individual Polish farmers. The new rules are intended to organize the supervision and control of GMOs in Poland, and replace the existing GMO Act from 2001. After a law is approved by the Parliament and signed by the President, the ministries will get busy drafting implementing regulations. Work on implementation regulations (including coexistence rules) will be a complicated one, but is likely to be concluded by the end of 2009.

Following are some of other important parts of proposed law:

To deliberately release GMOs for laboratories there will need to be a permit for "experimental release to the environment." The possibility of such a release will depend on the assessment of the impact of GMOs on the soil, flora and fauna, protected species and climate. Also required will be consent of all owners of parcels adjacent to the area where the GMOs are to be used.

The coordinator of the monitoring and control of GMOs in Poland will be the Minister for the Environment. The Minister will be responsible for exchange of information concerning the safety of humans and the environment, making available information about GMOs, and keeping records. The Ministry will also issue permits: to conduct plant genetic engineering, on the contained use of micro-organisms and genetically modified organisms and their release into the environment, and on the marketing of genetically modified organisms. The Minister will also be responsible for the registration of varieties, seed and transgenic crops.

The Minister for Health, in turn, will issue decisions on the marketing of medicinal products from GMOs, and the Chief Sanitary Inspector will be responsible for the marketing of genetically modified food.

The law proposes to block any science on a gene expression that contains genes that block antibiotic resistance.

The Committee on GMOs, which is to issue opinions on proposals concerning genetically modified organisms, in addition to representatives of the Ministers (Health, Agriculture, Environment, Home Affairs and Administration, National Defense, Science and Higher Education) will include seven members of the science community - experts in the field of ecology. The Commission will consist of representatives of environmental NGOs, associations of agricultural producers and consumer organizations to be determined by the Minister. Panels are heavily weighed with negative information holders.

Greenpeace representatives continue to hold protests against GMOs in Poland demanding that the

Ministry of Environment and Ministry of Agriculture in Poland ban genetically modified maize. Ministries continue to explain that they cannot do so; as such regulation would not be allowed under the EU regulations. Attached please find an official comment by the Ministry of Environment to Greenpeace's call to ban GMOs in Poland.